

**ZONING BOARD OF APPEALS**

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ZBA 2005-42

Petition of Thomas and Rooney Russell
39 Ingraham Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, May 12, 2005 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of THOMAS AND ROONEY RUSSELL requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 10 foot by 11.3 foot one-story addition, and construction of a 3 foot by 8 foot porch overhang, at their nonconforming dwelling with less than required front yard setback, on an 8,435 square foot lot, in a district in which the minimum lot size is 10,000 square feet, at 39 INGRAHAM ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On April 25, 2005, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Tom Russell, who said that they wanted to add an extension off of the kitchen and add a porch overhang to keep the front steps dry.

Mr. Russell said that they have lived there since 1990. The Board asked how old the house is. Mr. Russell said that it was built in 1922.

The Board said that the proposal was for a modest addition.

The Board said that the grade changes to get to the under-the-house garage. The Board asked if there is a wall there. Mr. Russell said that there is.

The Board asked if there will be crawl space under the addition. Mr. Russell said there will be. The Board asked if sonotube foundations would be put down 4 feet. Mr. Russell said that he was not sure of the exact specifications. He said that the intent is to not disturb the wall. He said that was part of the reason for the small addition.

The Board asked why there were no windows at the back of the addition. The windows shown on the plan are not symmetrical on the two opposite sides. Mr. Russell said that on one side there will be a 6 foot sliding glass door. He said that the wall on the east side will be for storage and the television.

The Board said that there is a difference between the submitted picture and the architectural drawing of the front porch cover. Mr. Russell said that the architectural drawing would be used as it is more in keeping with the design of the house.

The Board said that the Planning Board had no objection to granting the request.

Statement of Facts

The subject property is located at 39 Ingraham Road, on an 8,435 square foot lot, in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 23 feet and a minimum right side yard setback of 24.3 feet.

The petitioner is requesting a Special Permit/Finding that construction of a 10 foot by 11.3 foot one-story addition, with a minimum right side yard setback of 24.3 feet, and construction of a 3 foot by 8 foot porch overhang, with a minimum front yard setback of 23 feet, on an 8,435 square foot lot, in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 3/31/05, stamped by Wayne S. Carlson, Registered Land Surveyor, Existing and Proposed Floor Plans and Elevation Drawings, dated 4/10/05, drawn by Erin Reilly, and photographs were submitted.

On May 10, 2005 the Planning Board reviewed the petition and had no objection to granting the request.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that although construction of a 10 foot by 11.3 foot one-story addition with a minimum right side yard setback of 24.3 feet, and construction of a 3 foot by 8 foot porch overhang with a minimum front yard setback of 23 feet, on an 8,435 square foot lot, in a district in which the minimum lot size is 10,000 square feet is increasing the nonconformity, such increase shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, construction of a 10 foot by 11.3 foot one-story addition and construction of a 3 foot by 8 foot porch overhang.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Cynthia S. Hibbard, Acting Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm